

# Exhibit 15

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

DECLARATION OF [REDACTED]

Judge: Hon. Claudia Wilken



## DECLARATION OF [REDACTED]

1  
2 1. I have personal knowledge of the matters set forth herein, and if called as a  
3 witness, I could and would competently so testify.

4 2. My California Department of Corrections and Rehabilitation (CDCR)  
5 number is [REDACTED] I am currently housed at the Richard J. Donovan Correctional  
6 Facility ("RJD"). I am 44 years old.

7 3. I am a member of the *Armstrong* class. I have a DPH code, meaning that I  
8 am deaf. My primary method of communication is ASL and my alternate method  
9 of communication is ASL AND INTERPRETER

10 4. I have been incarcerated in CDCR since 2016. I have been  
11 housed at RJD since 2016. I am currently housed on ECHO YARD

12 5. I am housed RJDCF. My security level is 1. We are allowed  
13 to leave our cells and move freely around the prison between the hours of 6AM and  
14 9pm.

15  
16 6.) I'M DEAF AND I USE (VP) FOR COMMUNICATION  
17 (VP) MEANS VIDEO PHONE, THE (VP) IS LOCATED  
18 IN HOUSING BOUNTY AND IT IS LOCKED AND  
19 I DO NOT HAVE ACCESS TO VP. EXCEPT  
20 7AM TO 4PM. I SHOULD HAVE ACCESS AT  
21 5PM TO 8:45PM.  
22

23  
24 7.) I SHOULD BE ABLE TO USE (VP) AT  
25 ANY TIME THE HEARING INMATES ARE  
26 ALLOWED TO USE THE PHONE.  
27  
28

8.) THE HEARING INMATE HAS ACCESS  
TO TELEPHONE ROOM 6AM TO 8:45PM  
AND WE ARE PREVENTED FROM USING  
(VP) AT MOST OF PERMITTED TIME  
FOR (VP).

9.) THE PROBLEM FOR NOT HAVING ACCESS  
TO (VP) IS BECAUSE THE STAFF MAY  
NOT BE AWARE ABOUT OUR PHONE  
PRIVILEGES OR BECAUSE THE YARD IS  
DOWN OR BECAUSE THERE IS ONLY ONE  
STAFF AT THE TIME. WE ARE NOT  
ALLOWED TO USE THE (VP) IF THIS  
HAPPENS. IT HAPPENS 2-3 TIMES  
A WEEK FOR MY DENIAL TO (VP)  
ACCESS.

10.) WHEN THE COMPTON IS CLOSED,  
IT BOTHERS ME THAT I HAVE TO  
GET STAFF'S ATTENTION IN ORDER  
TO USE THE (VP).

1 11.) SOMETIMES IT IS VERY DIFFICULT  
2 TO GET THE STAFF'S ATTENTION TO  
3 USE THE (UP) depending on their  
4 mood. SOMETIMES they will help,  
5 SOMETIMES they won't and SOMETIMES  
6 I JUST GIVE UP.  
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13  
14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct to the best of my knowledge, and that this declaration is  
16 executed at RJD in San Diego, California this 18 day of September, 2024.

17  
18  
19  
20 On September 18<sup>th</sup> 2024, I read this entire document to Mr. [REDACTED] through a  
21 certified sign language interpreter. I used effective communication techniques to read this  
22 document to Mr. [REDACTED] in American Sign Language through an interpreter. I  
23 recorded any corrections that he made. The substance of what I conveyed to Mr.  
24 through the interpreter is identical to the substance of this document, including the  
25 handwritten corrections.

26  
27  
28  
  
Penelope M. Godbold, Esq.

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Defendants.

Case No. C94 2307 CW

**DECLARATION OF JOANNE BURNS**

Judge: Hon. Claudia Wilken



**DECLARATION OF JOANNE BURNS**

1. I, Joanne Burns, do hereby declare:

2. I am over 18 years of age and have personal knowledge of the matters set forth herein, and if called witness, I could and would competently so testify.

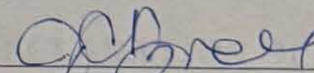
3. I am a certified sign language interpreter and fluent in American Sign Language.

4. On September 18, 2024, I and another sign language interpreter provided sign language interpretation services for [REDACTED] and [REDACTED] who both communicate using American Sign Language, when they met with Penny Godbold, an attorney with Rosen Bien Galvan and Grunfeld LLP.

5. On September 18, 2024, I and another sign language interpreter provided interpretation services as [REDACTED] and [REDACTED] completed signed declarations, including by translating the contents of each declaration from English into American Sign Language.

6. I affirm that I interpreted all communications related to the declarations accurately, completely and impartially, using my best skill and judgement in accordance with the standards prescribed by law and the Code of Professional Conduct for the Registry of Interpreters for the Deaf.

I declare under penalty of perjury, that the foregoing is true and correct and that this declaration was executed this 10 day of October, in San Diego, California.

  
Joanne Burns

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**DECLARATION OF KETURAH  
HOLIDAY**

Judge: Hon. Claudia Wilken



**DECLARATION OF KETURAH HOLIDAY**

1. I, Keturah Holiday, do hereby declare:

2. I am over 18 years of age and have personal knowledge of the matters set forth herein, and if called witness, I could and would competently so testify.

3. I am a certified sign language interpreter and fluent in American Sign Language.

4. On September 18, 2024, I and another sign language interpreter provided sign language interpretation services for [REDACTED] and [REDACTED], who both communicate using American Sign Language, when they met with Penny Godbold, an attorney with Rosen Bien Galvan and Grunfeld LLP.

5. On September 18, 2024, I and another sign language interpreter provided interpretation services as [REDACTED] and [REDACTED] completed signed declarations, including by translating the contents of each declaration from English into American Sign Language.

6. I affirm that I interpreted all communications related to the declarations accurately, completely and impartially, using my best skill and judgement in accordance with the standards prescribed by law and the Code of Professional Conduct for the Registry of Interpreters for the Deaf.

I declare under penalty of perjury, that the foregoing is true and correct and that this declaration was executed this 10 day of October, in 2024, California.

  
Keturah Holiday



# Exhibit 16

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Case No. C94 2307 CW

**DECLARATION OF** [REDACTED]

Judge: Hon. Claudia Wilken

**DECLARATION OF [REDACTED]**

1  
2 1. I have personal knowledge of the matters set forth herein, and if called as a  
3 witness, I could and would competently so testify.

4 2. My California Department of Corrections and Rehabilitation (CDCR)  
5 number is [REDACTED]. I am currently housed at the San Quentin Rehabilitation Center ("San  
6 Quentin"). I am 40 years old.

7 3. I am a member of the *Armstrong* class. I have a DPH code, meaning that I  
8 am deaf. My primary method of communication is sign language and my alternate method  
9 of communication is written notes.

10 4. I am also a member of the *Coleman* class. I have been diagnosed with  
11 depression and I receive mental health services at the CCCMS level of care.

12 5. I have been incarcerated in CDCR since December 10, 2013. From October  
13 2016 until April 2022, I was housed at the Substance Abuse Treatment Facility and State  
14 Prison (SATF). I have been housed at San Quentin since approximately April 6, 2022. I  
15 am currently housed on South Block, in what is considered an "earned living unit" or  
16 "honor building." To be housed in this unit, I had to demonstrate active engagement in  
17 programming and remain free from any disciplinary write-ups for two years.

18 6. Although I am housed in a cell, my housing unit is a Level 2, minimum  
19 security unit. We are allowed to leave our cells and move freely around permitted areas of  
20 the prison beginning after breakfast, around 6:30 or 7:00am, until count occurs at 3:30.  
21 Free movement resumes around 5:30 or 6:00p.m. and ends at approximately 8:30 pm. The  
22 other housing units at San Quentin have more movement restrictions and you cannot enter  
23 and exit your cell freely throughout the day.

**Telephone Access at San Quentin**

24  
25 7. CDCR has issued tablet computers free of charge to all incarcerated people,  
26 including me. The tablet computers allow incarcerated people to participate in a number  
27 of prison programs, services and activities, while inside their cells.

28 8. I am aware and have observed that incarcerated persons can use the tablets to



1 place telephone calls from inside their cells. Until September 17, 2024, the times of day  
2 that incarcerated people could use the tablets to place telephone calls from inside their cells  
3 were from 6:00 a.m. until 3:30 p.m. and from 5:00 p.m. until 8:30 p.m.

4 9. On September 17, 2024, I received a written notification on my tablet stating  
5 that telephone access would be extended until 11:00 p.m. each evening. I understand that  
6 this happened because several hundred people housed at San Quentin submitted grievances  
7 requesting the extended access.

8 10. Prison officials have told me that, once the extended access begins, deaf  
9 individuals will have different rules than non-deaf people. Non-deaf people will be able to  
10 place calls continuously from 5:00 p.m. until 11:00 p.m. Deaf signers will be required to  
11 be in our cells for institutional count from 9:00-9:30 p.m. and will not be able to place calls  
12 during this time. If we want to use the videophone after that time, we will have to inform  
13 officers in advance—prior to 9:00 p.m.—so that they can leave our cell doors unlocked. If  
14 we do not plan in advance, we will not be able to place calls after 9:30 p.m.

15 11. Unlike in the past, when everyone had to sign up to use the limited number  
16 of phones available in the housing unit, because everyone is personally issued a tablet  
17 computer and can use that tablet at their own convenience inside of their cell, there are no  
18 restrictions on the number of calls nor the number of people that can be placing a call, at  
19 any given time.

20 12. From what I have observed, incarcerated people can place calls from  
21 anywhere in the prison that has wireless internet. At San Quentin, this includes the library,  
22 the chapel, the yard, the education areas, the medical areas, and the vocational areas.

23 13. I am aware and have observed that, by using the tablet computers to place  
24 telephone calls, incarcerated people are not restricted by what is going on outside of their  
25 cells when placing calls from inside of their cells. For example, if there is an alarm or a  
26 disturbance occurring outside of people's cells in the dayroom, I have observed that people  
27 are still able to place calls from their tablets inside of their cells until problems outside of  
28 the cells are resolved. This is also true during "modified programming," such as when

1 there is a staffing shortage, a staff meeting, or some other need to modify the normal,  
2 allowed, out-of-cell time that is permitted in a housing unit. During “modified  
3 programing” incarcerated people are not let out of their cells as much as normal  
4 programming but incarcerated people are still able to place phone calls on their tablets  
5 from inside their cells when programming is modified. The same is true during periods of  
6 “lockdown,” where the prison staff cancel dayroom, yard time, or rehabilitative  
7 programming. I have observed that even during lockdown incarcerated persons can still  
8 place calls from their tablets inside their cells. Indeed, from what I have observed, periods  
9 of time when people are locked in their cells more are the times that people use their  
10 tablets more, including to place phone calls, because there is very little to do otherwise.

11 14. I would very much like to be able to place calls from inside my cell, with the  
12 same unrestricted access to the phone, same privacy, without having to share a device and  
13 wait for others, in the same manner that the people who are not deaf or hard of hearing can.  
14 But I cannot, solely because I am deaf and CDCR requires deaf people to place calls from  
15 stationary videophones located outside of our cells.

16 **Videophone Access at San Quentin**

17 15. Because I am deaf, and I use sign language to communicate, I use a  
18 “videophone” which has video-conferencing technology, similar to FaceTime or Zoom, to  
19 allow me to communicate with others on the phone. Currently, the only way I can access  
20 the videophone is when I have permission to be outside of my cell either for general  
21 purposes (where we are allowed to choose where we go and what we do, including placing  
22 calls), or specifically for the purpose of placing a call.

23 16. The prisons that house people who use sign language to communicate have  
24 installed videophones for us to use to place phone calls. The videophone that I use is  
25 located in the dayroom of my housing unit, on the first floor. I am housed on the second  
26 tier, along with all the other deaf signers on South Block. The videophone is attached to  
27 the wall and cannot be moved. I can use the videophone to call anyone, including people  
28 who do not know sign language or who use a standard telephone. When I use the



1 videophone to dial a number associated with a standard telephone, the videophone  
2 connects automatically to a sign language interpreter who works for the federally funded  
3 Video Relay Service. The Video Relay Service interpreter will interpret the call at no cost  
4 to myself or the person I am calling.

5 17. I cannot place telephone calls from inside of my cell using the tablet  
6 computer because the tablet does not have software that allows incarcerated persons to  
7 place videophone calls. When I place a call using a videophone the only way for me to do  
8 so is to have permission to be outside of my cell and placing a call.

9 18. As a result, my access to calls is not equal to the access that non-deaf people  
10 have because out of cell time, when I must place my calls, is more limited than the times  
11 when others can place calls. This is especially true when program is modified or we are on  
12 lockdown, which happens regularly. Also, I have to share the videophone with others and  
13 sometimes must wait to place a call. Also, because I am not allowed to place calls in my  
14 cell, I do not have the same privacy for my calls as others do. All of this makes me feel  
15 frustrated because it seems unfair and like I am a lesser because of my disability.

16 **Daily Limitations on Videophone Access**

17 19. Because I need to be allowed outside of my cell to place calls, there are times  
18 every day that others can place calls to their loved ones, because they can do so from  
19 inside of their cells on their tablet, but I cannot.

20 20. In my housing unit, we are allowed to move freely most of the day, but we  
21 are required to be inside our cells for count and for evening recall.

22 21. Phone access is cut off for everybody from about 3:30 p.m. until 5:00 p.m. to  
23 allow for institutional count of every incarcerated person. However, my access to calls is  
24 cut off for longer because we are required to return to our cells by 3:30 p.m. and cannot  
25 leave until count has "cleared," which often does not occur until 5:30 or 6:00p.m.

26 22. I typically do not have access to phone calls daily for about 30-60 minutes  
27 while others are still permitted to place calls inside their cells. During these daily times, I  
28 have tried but I cannot get permission to be outside of my cell and on the videophone.

1 Once hours are extended until 11:00pm, there will be an additional 30 minutes per day  
2 when others can place calls, but I cannot.

3 **Periodic Limitations on Videophone Access**

4 23. Beyond the 60 minutes daily when I do not have permission to be outside my  
5 cell and placing a videophone call, there are other events that happen periodically where I  
6 am required to be inside my cell for a much longer period of time. I will explain these  
7 circumstances more below. During these occasions, I have to get express permission to  
8 exit my cell for the purposes of placing a call.

9 24. My videophone access is limited for a full day each month referred to as  
10 "training day." During this day, the officers who regularly work in my housing unit  
11 participate in training and a different correctional officer takes over their shift. On training  
12 day, the institution is placed on "modified programming," meaning that we have to spend  
13 most of this day inside our cells and we need permission from the officers to leave.  
14 Usually, we are let out only for showers and maybe meals.

15 25. It is difficult for me to get permission to leave my cell on training days for  
16 several reasons, including because I am deaf. Because we are locked in our cells, I have to  
17 rely on a porter to communicate. Usually, there is a porter (another incarcerated person  
18 who is allowed to be in the dayroom to clean it and to run errands for the custody officer)  
19 in the dayroom. I have to attempt to communicate my request to be let out of the cell to  
20 use the phone through the porter. Sometimes the porter will know sign language, and I can  
21 communicate freely. But most of the porters do not know sign language, and I have to  
22 attempt to convey my request to be let out through gestures or written notes, which can be  
23 difficult. It makes me uncomfortable and nervous to communicate this way, because I am  
24 not confident that I have been understood and that I am understanding what is being said.  
25 When it comes to communicating with custody staff through another incarcerated person,  
26 it is scary to not know exactly what is being said.

27 26. These substitute officers, who do not know me and do not know our housing  
28 unit well, do not usually let me go place a videophone call. If I am already out of my cell,



1 sometimes I can explain the situation to a lieutenant, and the lieutenant intervenes, but that  
2 is typically the only way I get to place call.

3 27. I find it deeply frustrating and demeaning to have to negotiate for phone time  
4 when I know that people who are not deaf do not have to jump through these hoops. Every  
5 time I have to reach out to an officer to ask permission for something, I worry that I will  
6 upset the officer and they will do something to retaliate against me. This is especially true  
7 for unfamiliar officers, because I do not know how they will react.

8 28. Even something as minor as a disciplinary write-up called a "counseling  
9 chrono" or "128B chrono" can have huge consequences for me: First, it could mean I get  
10 transferred to more restrictive housing. I have seen a number of people be transferred out  
11 of our earned living unit for counseling chronos they have received for things like stepping  
12 out of bounds, collecting too much toilet paper, or taking a quick shower without  
13 permission. Second, it could extend my time in prison. I am serving a life sentence in  
14 prison and I have a parole suitability hearing in December of this year. If I get a  
15 counseling chrono this close to my parole date, it could easily cause the Board to deny me  
16 parole. Because of all this, I walk on eggshells trying to stay out of trouble.

17 29. I have tried everything to make sure the officers understand that I am not  
18 asking for a special favor, I am only asking them to follow the rules. I have a copy of a  
19 memo that was published on October 6, 2023, that says that deaf signers are supposed to  
20 be let out of their cells during modified programming to use the videophone. I have shown  
21 this to the officers to request permission to place a call during modified programming, but  
22 officers still refuse and tell me to wait until regular programming. When I show them the  
23 memo and they still say no, I typically do not press the matter any further, because I am  
24 worried that I will upset the officer.

25 30. On non-training days, the officers who regularly work in my housing unit  
26 usually let me out of my cell to use the phone during modified programing, but I have to  
27 go through the frustrating and demeaning process of asking permission, and hoping they  
28 understand me and follow the policy. Officers who are new to the unit or assigned only



1 temporarily to fill in for an absent officer, however, still typically do not let me out of my  
2 cell to place a call.

3 31. Even regular officers will not let me out of my cell during lockdowns. Most  
4 recently, in July or August 2024, my housing unit was placed on lockdown for about 10  
5 days due to an outbreak of a virus, which I believe is called norovirus. For this entire 10-  
6 day period, I was not able to place any calls because officers would not let me out of my  
7 cell to use the videophone. During this time I saw non-deaf individuals placing phone  
8 calls on tablets from their cells without any restrictions.

9 32. My housing unit is placed on lockdown approximately once per month for  
10 different types of disturbances. The most common disturbance is when an incarcerated  
11 person does not show up to a class or appointment, usually because they lost track of time.  
12 When the happens, the prison announces "unit recall" or "institution recall," which means  
13 that everyone in that housing unit or in the entire prison has to go back to their cells  
14 immediately and stay there until everyone is accounted for. The prison also has institution  
15 recall every time an officer sees someone outside the perimeter of the prison who could be  
16 an escaped incarcerated person. This happens fairly frequently at San Quentin, because  
17 there is often heavy fog that can make it appear as though someone is wearing our blue  
18 prison uniform when they are wearing street clothes.

19 33. I was previously housed at SATF. At SATF, we did not have unit recall or  
20 institution recall every time a person failed to show up for an appointment.

21 34. Finally, there is occasionally something called a "program activity report"  
22 that says that incarcerated people cannot make phone calls on the telephones in the  
23 dayroom. During these times, I have observed that incarcerated people can still place calls  
24 on their tablets from their cells. Some officers interpret this rule to mean that deaf signers  
25 cannot leave their cells to place videophone calls. This is another occasion when non-deaf  
26 people can place calls but I cannot.

27 35. In addition to the restrictions above, there are times when I cannot use the  
28 videophone because the one videophone I have access to is broken. When the videophone

1 breaks late in the day on Friday or on the weekend, we have to wait until at least Monday  
2 before a technician can fix the videophone. This means that I may have to wait several  
3 days to place a videophone call, because I do not have the option to use another  
4 videophone.

5 **Sharing the Videophone with Six Other People**

6 36. Even when I do have access to the videophone, I cannot always use it. There  
7 are a total of seven people on my yard who have been approved to use the videophone,  
8 meaning that all seven of us share a single device.

9 37. I am a very social person and my call list includes over 300 people that I  
10 count on being able to call on to help my mental health. I call my father daily. I have two  
11 children, whom I try to call every chance I can. There are other people that I call on a  
12 weekly basis, ranging from my sister, to clergy members, to deaf advocacy organizations.

13 38. It is common that, when I go to use the videophone, someone else is using it  
14 already and I have to wait my turn. It is also common that, while I am placing a  
15 videophone call, someone else will be waiting to use the phone right after me. As a  
16 courtesy to others that I know are waiting to use the phone, I usually cut my own calls  
17 short, or I do not place as many calls as I would like, because I do not want to cause any  
18 problems with other people who are also waiting to use the videophone. There are also  
19 times when I have to end my phone time early because one of the other deaf people has an  
20 appointment with a lawyer or a member of the clergy that takes priority over my call.

21 39. When I place calls, the person I am calling is not always able to answer.  
22 Because of my limited access to the videophone, I cannot simply call back in a few  
23 minutes – by that time, I may have to get back in line to use the phone because there is  
24 another deaf signer using it, or I may have been required to go back to my cell for count or  
25 recall.

26 40. These limitations on calling take a big toll. I want so much to be part of my  
27 children's lives, but they seem increasingly disconnect and quiet when I call. I think it is  
28 because I am not able to call them often, and I have no other way to reach out to them, so



1 they think I am forgetting about them. It is also stressful for my family when I do not call  
2 – when we finally connect, they tend to be worried because they thought I got in trouble or  
3 that something bad happened to me.

4 41. Sometimes the difficulty getting access to videophone has devastating  
5 consequences. On one occasion, I kept missing the opportunity to reach my sister on the  
6 videophone, and I went without seeing or conversing with her for almost two months. One  
7 day, I received an electronic message from my sister saying that she was free in case I was  
8 able to call right then. I went to the videophone right away to call her, but someone else  
9 was using the phone and I had to wait. By the time the phone was available, my sister was  
10 no longer available and I had lost my chance to see her. I was seriously distraught after  
11 that incident.

#### 12 Lack of Privacy

13 42. Privacy is another significant reason why the phone access that I have, where  
14 I have to exit my cell and go use a phone in a public location each time I place a call, is not  
15 equal to the access that all the non-deaf people in my prison have.

16 43. The videophone is located in the dayroom. While I have a three-sided  
17 privacy screen that I can put up around me during calls, it is not enough to keep out prying  
18 eyes. The screen is only 5½ feet high, making it easy for other incarcerated people to look  
19 over the top of it. People on the second and third tiers of my housing unit can also easily  
20 see the videophone screen from the walkway of their tier.

21 44. I have attached as **Exhibit A** some photographs that show the videophone in  
22 North Block, which has a layout that is very similar to South Block, and which depict the  
23 exact same privacy screen that we now use in South Block. The first picture shows the  
24 view of the videophone from the second tier, and you can see that the screen is clearly  
25 visible. You can also see that the person standing next to the privacy screen can see over  
26 it. The second picture shows that a person standing next to the privacy screen can see over  
27 it.

28 45. During my calls, it is common for other incarcerated people watch my call. I

1 never know quite why they are staring, but especially when there are women or children on  
2 the call, it makes me very uncomfortable to have my friends and family seen. I find it  
3 embarrassing and demeaning and find it to be an invasion of privacy. It is especially  
4 uncomfortable to have other incarcerated people, some who are strangers, leering at my  
5 children, nieces and nephews. It can make me so upset that I need to end the call and go  
6 cool down.

7 46. The videophone location is also in a high-traffic part of the dayroom, right  
8 by the entrance. Because of the location, the privacy screen constantly gets jostled during  
9 the call. People will bump the screen as they walk past on their way in and out of the  
10 building, porters pushing large carts will bump the screen with their carts. Even the breeze  
11 that comes in when someone opens the door will jostle the screen. The jostling is so bad—  
12 and so distracting, that I have to wrap my feet around the bottom of the privacy screen to  
13 hold it in place during my calls. I have complained about this, and I know that attorneys  
14 from the Prison Law Officer have taken pictures so they can advocate to move the  
15 videophone to a better location, but nothing has changed.

16 47. If I had videophone software on my tablet, I would be able to place calls  
17 from the privacy of my own cell, instead of doing so in a high-traffic area where everyone  
18 can see.

19 48. Staff do not closely watch me when I place video calls. Staff cannot monitor  
20 my videophone activity from where they are typically stationed in the housing unit because  
21 the privacy screen blocks the direct line of sight from staff to the videophone. In order to  
22 see what I am doing, they have to come over and look behind the privacy screen. Staff  
23 rarely ever do this. However, I have seen that officers in various locations, including  
24 officers in my housing unit, have computer screens that allow them to monitor our  
25 videophone calls in real time and to watch recorded calls at a later time.

#### **Lack of Convenience**

26  
27 49. The fact that I can only place calls from a fixed location in the dayroom  
28 also makes it less convenient for me to place calls. I often place calls while I am working



1 on homework for one of my college classes or rehabilitative programs. It would help me a  
 2 lot to be able to sit at a table when I call, so I can consult my papers or take notes. But  
 3 because the videophone is not located near a table, and the only tables in prison are bolted  
 4 to the ground, I have to do everything on my lap, which is very cramped.

5 50. Having videophone software on the tablets would be very helpful, because it  
 6 means that I could sit at a table with my homework when I place a call. On a nice day, I  
 7 could even sit outside.

### 8 Emotional Impact

9 51. I find it frustrating and unfair not to be able to place calls as easily or as  
 10 privately as other incarcerated persons, simply because I am deaf. I have filed CDCR  
 11 1824 Forms requesting access to videophone calls on the tablet computers, and I have seen  
 12 1824 requests filled out by other deaf signers, but all of our requests for equal access to in  
 13 cell tablet calls have been denied.

14 52. Being able to stay in regular and unrestricted contact through videophone  
 15 access with people who are outside of the prison is extremely important for me and my  
 16 mental health. Having that connection to the outside world keeps me focused on positive  
 17 things. When I have trouble placing videophone calls, either because I have trouble  
 18 getting out of my cell, because my time gets restricted due to a lockdown, or because  
 19 someone else is using the shared phone, I get anxious and my thoughts turn negative.

### 20 In-Cell Videophone Access in Tulare County Jail

21 53. I was recently housed in the Tulare County Jail in Visalia, California from  
 22 approximately November 29 to December 13, 2023, for the purposes of re-sentencing.  
 23 During this time, the Tulare County Jail gave me both a tablet computer and a laptop  
 24 computer that both allowed me to place video calls from inside of my cell.

25 54. The tablet computer was the very same type of tablet computer that we use in  
 26 CDCR. I believe it is made by ViaPath. I was given the impression that the tablet  
 27 computer they gave me was specifically for deaf incarcerated people and that non-deaf  
 28 people received a different tablet. The tablet I was given did not contain software for

1 placing standard telephone calls nor for conducting video visitation. But it had software  
2 on it that allowed me to place videophone calls and I was allowed to place those calls from  
3 inside my cell. The software did not blur the background of the call, so nothing interfered  
4 with the visibility of my signing. The call also had a banner stating that the call was being  
5 monitored and recorded. The officers also showed me a computer monitor in the officer's  
6 station, where they were able to remotely monitor my call.

7 55. I was also given a laptop computer that had only videophone software on it.  
8 There was nothing else that I could use the device for. Like the tablet computer, the  
9 videophone software on the tablet let me place a call on a line that was monitored and  
10 recorded, without blurring my hands as I tried to communicate through sign language.

11 56. With these two different options, I was able to place videophone calls from  
12 inside my cell if I needed to. I saw that the non-deaf people at the Tulare County Jail each  
13 had a tablet computer that looked the same as mine and they were able to use it to place  
14 telephone calls from inside their cells.

15 57. [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

26 58. I have also learned that the prison might try to increase videophone access by  
27 increasing access to video visitation. Video visitation is not equal to a videophone call.  
28 First, I still would have to be able to exit my cell for the purposes of video visitation, so I



1 would still have limited access and no privacy. Second, video visitation is a paid service,  
2 while videophone calls are free. Third, it is difficult for me to communicate using video  
3 visitation: the video visitation software often blurs my hands and arms when I am signing,  
4 making communication unclear, and the transmission of the video signal is sometimes  
5 choppy. Fourth, because it is not a true videophone call, it is not possible to connect to a  
6 sign language interpreter through "video visitation" so it is not possible to communicate  
7 with people who do not know sign language. Finally, video visitation requires the other  
8 person to be an approved visitor, to download special software, and to make an  
9 appointment. None of those steps are necessary for me to place a videophone call.  
10 Essentially, even if everyone in prison had their own personal video visitation kiosk in the  
11 dayroom, it still would not be equal to having in-cell access to a videophone.

#### 12 Tablet Size

13 59. Even though I am still fairly young, I still find the tablets difficult to use for  
14 entertainment because they are too small. In the evenings, I sometimes like to watch  
15 educational videos in sign language. The small size of the tablets makes my eyes get tired  
16 quickly from looking at such a small image. When trying to watch videos with closed  
17 captions, I also sometimes have problems where the captions are either too small to read or  
18 they block the images in the movie. Understand that my deaf peers who are older have  
19 more problems with their vision and more difficulty understanding sign language and  
20 watching captioned videos on the small tablet screens.

#### 21 Sign Language Interpreters in Groups

22 60. I use sign language interpreters to access rehabilitative programming and  
23 other programs, services and activities in prison. Usually, the interpreters sometimes  
24 appear in person and sometimes appear on a computer. I have never had anyone else in  
25 my rehabilitative groups say or do anything that makes me think they are not comfortable  
26 participating because there is a sign language interpreter present.

27 61. In the groups, I know the interpreters are doing their best, but sometimes  
28 they make mistakes or are not completely clear, and it can cause problems. The

1 conversations in these groups can be very sensitive. When I do not understand the  
2 interpreter, I do not want to interrupt and ask for clarification, because it would be too  
3 disruptive in such a sensitive conversation. But when I do not understand the interpreter, I  
4 might not react appropriately – I might think someone is being funny when they are being  
5 serious, or vice versa. The other people in my groups can get offended when I do not react  
6 in an appropriate way, which can cause conflicts between us. It is also embarrassing for  
7 me to realize that I have laughed when I shouldn't, or to see that everyone else is laughing  
8 and not understand why. And, of course, when the interpreter does not interpret clearly, I  
9 do not get as much benefit from attending the group.

10 62. Having an interpreter on site is much more effective than having a remote  
11 interpreter. The equipment that CDCR uses to provide remote interpreting does not work  
12 well. The remote interpreter constantly will say they cannot hear what other people are  
13 saying. When the interpreter cannot hear someone, I often have to be the person who  
14 interrupts and asks them to repeat or to slow down. It is very awkward for me. At least  
15 when the interpreter is present in person, the interpreter can be the one to ask someone to  
16 repeat what they did not hear or to ask people to slow down when they are talking too fast.  
17 That lets me focus on my own experience of taking the class. I can choose to advocate for

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1 myself if there is something that the interpreter did not sign clearly, but I do not have to  
2 also advocate for the interpreter's needs.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct to the best of my knowledge, and that this declaration is  
5 executed at San Quentin, California this 25th day of September, 2024.

6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 I read this entire document to [REDACTED] in American Sign Language, a language  
10 in which I am fluent, on two separate occasions on September 19 and 24, 2024. On each  
11 occasion, we communicated via Microsoft Teams and I used effective communication  
12 techniques to verify that [REDACTED] understood. The substance of what I conveyed to  
13 [REDACTED] both times is identical to the substance of this document.

14  
15 /s/ Caroline E. Jackson  
16 Caroline E. Jackson, Esq.  
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Armstrong et al., Monitoring Tour  
San Quentin State Prison  
May 22, 2023



SQSP North Block-IMG\_3179 VRS Area View From 2nd Tier.JPG



**Armstrong et al., Monitoring Tour  
San Quentin State Prison  
May 22, 2023**



SQSP North Block-IMG\_3175 VRS Privacy Screens.JPG

]

# Exhibit 17



**DECLARATION OF [REDACTED]**

I, [REDACTED], declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. My California Department of Corrections and Rehabilitation (CDCR) number is [REDACTED]. I have been in CDCR custody since January 2009. I am 40 years old.

3. I am currently housed at Mule Creek State Prison (MCSP). Before I was at MCSP, I lived for over four years at the California Substance Abuse Treatment Facility and State Prison, Corcoran (SATF). I was housed at SATF from March 2018 until March 2019 and again from February 2020 until I transferred to MCSP around July 3, 2024.

4. When I was housed at SATF, I primarily lived on Facility D, which is a Level IV yard with celled housing. I now live on Facility B at MCSP, which is a Level III yard with celled housing.

5. I am mostly deaf in my right ear and partially deaf in my left ear. CDCR has assigned me a DNH code. I am prescribed hearing aids, but hearing aids alone don't always allow me to understand speech, especially in loud environments where there is background noise. For example, when I try to speak with loved ones on the phone in the dayroom, I often can't hear them at all when the dayroom is busy and loud. Even when I do hear them, I have trouble distinguishing between their voices and the voices of people speaking in the background. In that kind of environment, interruptions, like the automated message saying that the phone call is being monitored or announcements over the public address system from the tower officer, can be confusing and make it even more difficult for me to understand my family.

Tablet-Based Phone Calls

6. I had a ViaPath tablet when I was housed at SATF. I used the phone application on the tablet to call my family from inside my cell, though with complications.

7. A representative from the Prison Law Office told me that CDCR said that 96% of DNH class members at SATF used their tablets to make phone calls from January

1 1, 2024, through September 3, 2024. That number doesn't surprise me. Phone calls are  
2 really important to incarcerated people. Even if you can't hear everything, some  
3 communication is better than nothing.

4 8. I made calls on the tablet at SATF even though I could not always hear what  
5 the other person was saying clearly. When I was at SATF, I would turn the volume on the  
6 tablet all the way up because I can't hear otherwise. I didn't find the over-ear headphones  
7 provided by CDCR to be very helpful, so instead I would use the earbuds provided with  
8 the tablets, without my hearing aids (because I could only put either earbuds or hearing  
9 aids in my ears). Sometimes, though, I periodically would get a written message when I  
10 was starting the phone application that said something to the effect of, "loud sounds may  
11 damage your ears." The volume then automatically turned down to a point that I could no  
12 longer hear, so that I had to turn it all the way back up again. I have a tablet now at MCSP  
13 and have the same problem. I've put in multiple tablet trouble tickets to have that feature  
14 removed, since it prolongs the process of making a phone call.

15 9. Despite the problems I have with making phone calls on the tablets, using the  
16 tablet to make phone calls at SATF was the obvious choice because we were locked down  
17 in our cells so often. It took me a long time to get access to the Telecommunications  
18 Device for the Deaf (TDD) when I was at SATF because staff wouldn't provide it to me –  
19 I filed a grievance and the Prison Law Office sent an advocacy letter. But even once I did  
20 have access to it, I don't think I could've used it during lockdowns or modified  
21 programming when I was on D yard because I wasn't allowed out of my cell. In my  
22 experience, lockdowns and modified programming are similar because they involve many  
23 of the same limitations on out-of-cell time, including sometimes access to the phones,  
24 which disproportionately affects people who don't have tablets or who can't use the tablets  
25 to make a call.

26 10. When I was on D yard at SATF, the program was modified very often. The  
27 program would be modified for many reasons – because metal was missing; because there  
28 had been a written note, or "kite," with a threat on staff; or because of a fight that staff

1 perceived to be related to a group. The program often was shut down because of  
2 overdoses, especially in the last few years. The program also would be modified when D  
3 yard was short-staffed, including when staff were diverted from D yard to assist with  
4 searches on other yards. Sometimes the program would be modified for days because of  
5 those kinds of events.

6 11. To get out of the cell during lockdowns and modified programming at SATF  
7 was very difficult. During a full lockdown, I would need to get the attention of officers  
8 directly because there is no one else in the dayroom to ask to relay a message. During  
9 modified programming, I might be able to ask a porter to relay a message for me. To get  
10 the attention of either the porter or staff, I would yell out of my door or use a piece of  
11 paper to try to flag someone down. Porters sometimes would ignore me and officers didn't  
12 always respond, like when they were in their office.

13 12. There were times when I was locked down on D yard at SATF and we were  
14 getting meals in our cells when I couldn't even turn in a medical care request because the  
15 building officer wouldn't let me out of my cell to give it to the nurse, even though the  
16 nurse was in the building giving out medication (at that time, there was no box for 7362s in  
17 the building). That happened even when I tried to get an officer's attention by waving at  
18 the door or yelling or when I told them the day before that I would need to be let out to  
19 turn in a medical slip. If staff wouldn't let me out to ask for medical care, I don't think  
20 they would let me out just to use the phone.

21 13. To me, it would give a fuller picture of what it's like to use the tablet to  
22 make calls as a partially deaf person to say that while 96% of people designated DNH may  
23 make calls on the tablets, not all of us necessarily have the accommodations we need to  
24 make phone calls effectively, but place calls on the tablet regardless of complications  
25 because there are no other options or services provided to accommodate them.

26 14. When I transferred out of SATF, I was asked to give up my tablet when I left  
27 from R&R (Receiving and Release).



1           15. I was not given a tablet when I got to MCSP on July 3, 2024. When I still did  
2 not have a tablet on July 22, 2024, I filed an 1824 asking for one. I now have a tablet. On  
3 B yard at MCSP, I can make phone calls from 6 am until 11 pm. That access feels like so  
4 much more than we had at SATF, when I could only make calls on the tablets from 9 am  
5 until before 9 pm, not including losses in connectivity and other scheduled outages.

6           16. Having as much phone time as possible, particularly late in the evenings  
7 after 9 pm, is meaningful to me. I think it's meaningful to many people. For me, I work at  
8 PIA Sewing from 7 am until 2 pm or 3 pm. I also am taking a college class and sometimes  
9 don't get out of class until 7:20 pm and then I need to study. My daughter is sick and my  
10 wife is very worried about her, so I want to be able to talk to them to build a stronger  
11 relationship with them and show my feelings and care for them for as long as I can in the  
12 evening after work, to try to put their minds at ease. My wife works until around 3 pm and  
13 takes care of our three children after work, so she isn't available usually until after 7 pm.  
14 Without being able to speak with them at night, it would be harder for me to be a father.  
15 My family is mixed – my children are not my biological children, and two of my children  
16 were adopted by my wife. It's important to me to be able to build a bond with them in case  
17 I do get out of prison, so that I can care for them. I was a foster child and I know that it's  
18 more complicated to grow up as a child being raised by someone who isn't your natural  
19 parent because some don't show the same love and affection that a natural parent would  
20 show to their child. I need to build my children's trust and try to guide them as much as I  
21 can and show them my love like a father. I know the time later in the evening after the  
22 children go to bed is meaningful to me and my wife too – that's when we're really able to  
23 talk.

24           17. As I said above, I have been incarcerated in CDCR since 2009. Since phone  
25 calls became available on the tablets, the yards I've been on have become less violent. <sup>over the phones SS.</sup> I'm  
26 not sure someone in society could understand how meaningful phone calls are to people in  
27 prison.

Previous Declaration

18. On August 14, 2020, I signed a declaration in *Armstrong v. Newsom* about being denied access to the Telecommunications Device for the Deaf (TDD) at SATF. In my declaration, I explained that I filed a 602 requesting access to the TDD or to phone calls in the evening to accommodate my hearing disability. I described how other incarcerated people then approached me because building officers had told them that people would be losing their privileges because “the guy with the hearing aids,” meaning me, had filed an appeal complaining that others were getting extra privileges, including phone calls. I explained how people insinuated that I would be beaten up because of what the officers had said. I believe the officers’ comments put my life in danger from other incarcerated people by singling me out. After that, and after other experiences trying to get access to basic things that I needed, I stopped asking because of hostility from officers and comments the officers would make towards me.

19. I don’t think a person who has never been to prison can understand the danger that I was in because of what people told me that the officers had said. I didn’t feel safe anywhere. I didn’t know how people would react to what officers had said or if someone would act violently without warning, but my assumption was that someone would act violently. What people told me officers had said wasn’t true, but it was their word against mine, and because the information came from a few custody officers, I didn’t feel that I could go to custody officers for help because of their conduct and attitude towards me. I had to try to diffuse the situation on my own. I don’t know what else officers might have told people about me that could put me at risk.

20. Officers reacting that way to my request made me think twice before asking for things that I needed – I didn’t want to be retaliated against anymore for making any request, including related to accommodations for my disability. There were times I wanted to file a grievance but didn’t, like when officers searched my cell and threw my property all over the floor. I also stopped asking for phone calls in the evening, even though I could hear my family better then.





1 difficult to understand what the officer is saying. At SATF and now at MCSP, when an  
2 officer opens my door, I have to go to the tower officer to try to clarify what they had  
3 announced, because I can't understand the announcement enough to know if it relates to  
4 me or my cellmate. I don't want to be written up for not understanding what the officer  
5 said.

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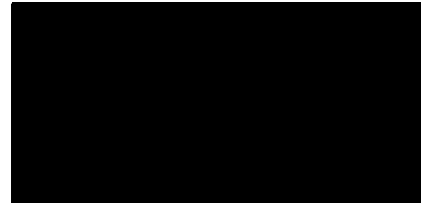
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28

1 I declare under penalty of perjury under the laws of the United States of America  
2 that the foregoing is true and correct, and that this declaration is executed at Ione,  
3 California, on this 9 day of October, 2024.



# Exhibit 18



**REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE**

**RAP Meeting Date:** 2/21/2024

**Date IAC Received 1824:** 2/20/2024

**1824 Log Number:** 522096

**Inmate's Name:** [REDACTED]

**CDCR #:** [REDACTED]

**Housing:** C8-[REDACTED]

**RAP Staff Present:** ADA Coordinator N. Scaife, Chief Medical Executive G. Ugwueze, Psychologist Dr. [REDACTED], Health Care Grievance Representative [REDACTED], Custody Appeals Representative [REDACTED], Associate Governmental Program Analyst [REDACTED], Staff Services Analyst [REDACTED], Field Training Lieutenant [REDACTED], Principle (A) [REDACTED]

**Summary of Inmate's 1824 Request:** Inmate reports being DTL and DNH; Inmate requests to be provided a service dog upon parole to assist with daily activities.

**Interim Accommodation:**

☒ No interim accommodation required: You are not requesting an accommodation at access Programs, Services, or Activities (PSA)s while incarcerated.

**RAP RESPONSE:**

**RAP is able to render a final decision on the following:** Inmate reports being DTL and DNH; Inmate requests to be provided a service dog upon parole to assist with daily activities.

**Response:** On 2/21/2024, the RAP met and discussed your 1824, Reasonable Accommodation Request.

You are not requesting an accommodation at access PSAs while incarcerated. A review of Strategic Offender Management System (SOMS) indicates you have a control date of 8/21/2024; once you are within 120 days to release, Transitional Case Management Program (TCMP) will meet with you to assist with application process for benefits you can receive upon release.

You are encouraged to utilize the appropriate avenues to address requests or concerns. If you disagree with this determination, you may submit a CDCR 602-2, and your concerns will be addressed through the Inmate Grievance Process.

**Direction if dissatisfied:** If you disagree with this decision and want to file an appeal/grievance, be sure to attach a copy of this response along with your CDCR 1824 as supporting documents.

N. Scaife

ADA Coordinator/Designee



Signature

Date sent to Inmate:

MAR 19 2024

STATE OF CALIFORNIA  
**REASONABLE ACCOMMODATION REQUEST**  
 CDCR 1824 (Rev. 09/17)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 1

<b>INSTITUTION (Staff use only)</b> STATE	<b>LOG NUMBER (Staff Use Only)</b> 522096	<b>STATE OFFICE</b> <b>DATE RECEIVED BY STAFF:</b> FEB 20 2024
<b>TALK TO STAFF IF YOU HAVE AN EMERGENCY*****</b>		<b>OF GRIEVANCES</b>
<p><b>DO NOT</b> use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDC 7262 or a CDCR 602-HC</p>		
<b>INMATE'S NAME (Print)</b> [REDACTED]	<b>CDCR NUMBER</b> [REDACTED]	<b>ASSIGNMENT</b> [REDACTED]
		<b>HOUSING</b> 2-8- [REDACTED]
<b>INSTRUCTIONS:</b> <ul style="list-style-type: none"> <li>You may use this form if you have a <u>physical or mental disability</u> or if you believe you have a physical or mental disability.</li> <li>You may use this form to request a <u>specific reasonable accommodation</u> which, if approved, will enable you to access and/or participate in a program, service or activity. You may also use this form to submit an allegation of disability-based discrimination.</li> <li>Submit this form to the Custody Appeals Office.</li> <li>The 1824 process is intended for an individual's accommodation request. Each individual's request requires a case-by-case review.</li> <li>The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response.</li> <li>If you have received an 1824 decision that you disagree with, you may submit an appeal (CDCR 602, or CDCR 602-HC if you are disagreeing with a medical diagnosis/treatment decision).</li> </ul>		
<b>WHAT CAN'T YOU DO / WHAT IS THE PROBLEM?</b> I am DIT & DMT and I am in my disability. Not getting better I am requesting a service to help me get through my daily activities. I am getting people to do the work and I am giving the work.		
<b>WHY CAN'T YOU DO IT?</b> I have a service dog for my disability. Once I am out there, I phase for discipline when I am at the house of D.A. system. I want to hear a lot of.		
<b>WHAT DO YOU NEED?</b> I think that the dog can get my attention and I can have my own space and I can have my own space. I can have my own space. I can have my own space. I can have my own space.		
(Use the back of this form if more space is needed)		
<b>DO YOU HAVE DOCUMENTS THAT DESCRIBE YOUR DISABILITY?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Sure <input type="checkbox"/>		
List and attach documents, if available: [REDACTED]		
I understand that s [REDACTED]		cooperate may cause this request to be disapproved. 2-18-24 <b>DATE SIGNED</b>
Assistance in completing this form was provided by:		
Last Name	First Name	Signature

DRAFT

**Interim Accommodation Procedure (IAP) / Interview Worksheet**

Upon receipt of a CDCR 1824, the Institution Appeals Coordinator (IAC) shall complete Step 1 below within 1 working day. Step 2 should be completed whenever the inmate's request is unclear or when additional input from the inmate and/or staff will help the RAP better understand the request.

Inmate: \_\_\_\_\_ CDCR #: \_\_\_\_\_ CDCR 1824 Log #: 522096

**STEP 1 INTERIM ACCOMMODATION ASSESSMENT**

Date CDCR 1824 received by IAC: 02 / 20 / 24

Does the inmate raise issues on the CDCR 1824 that may cause the inmate injury or other serious harm while it is being processed? **Base your assessment solely on the inmate's claim, assuming the claim is true.**

☐ **Yes / Unsure** (Complete Steps 2 &/or 3)

☒ **No** (None of the issues below are present) [Note: IAC may still obtain information for RAP by completing Step 2]

Issues that may cause the inmate injury or other serious harm include, but are not limited to:

- Falling or the potential for falling.
- Cannot safely access upper bunk.
- Workplace safety concerns.
- Inability to perform essential manual tasks (e.g., access dining hall, carry food tray, shower, use toilet).
- Maintenance, repair, or replacement of health care equipment.
- Cannot safely navigate stairs.
- Seizure disorder and is assigned an upper bunk.
- Hearing or vision claims that may jeopardize safety.
- Safety concerns.

\_\_\_\_\_  
Person Completing Step 1

AGPA

Title

Signature

02 / 20 / 24  
Date Completed

**STEP 2 CDCR 1824 INTERVIEWS***Note: Be sure to complete Step 3 when Step 1 was "Yes/Unsure"*

Date assigned: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Due back to IAC: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Returned to IAC: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Assigned to: \_\_\_\_\_ Title: \_\_\_\_\_

Information needed: \_\_\_\_\_

Note 1: Attach a DECS printout listing inmate's current status (including DPP codes, DDP codes, TABE score, etc.)

Note 2: IAC and/or RAP may assign to self and obtain information either telephonically or in person.

Inmate Interview Date/Time: \_\_\_\_\_ Location: \_\_\_\_\_

Interviewer notes: \_\_\_\_\_

Staff Interviewed: \_\_\_\_\_ Title: \_\_\_\_\_ Interview date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Interviewer Notes: \_\_\_\_\_

Staff Interviewed: \_\_\_\_\_ Title: \_\_\_\_\_ Interview date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Interviewer Notes: \_\_\_\_\_

**Notes:** I/M IS NOT REQUESTING AN ACCOMMODATION TO ACCESS PSA'S WHILE INCARCERATED. A REVIEW OF SOMS INDICATES I/M HAD A CONTROL DATE OF 8/21/2024; ONCE I/M IS WITHIN 120 DAYS TO RELEASE, TCMP WILL MEET WITH I/M TO ASSIST WITH APPLICATION PROCESSES FOR BENEFITS HE CAN RECEIVE UPON RELEASE

Interviewer (Print Name)

Title

Signature

\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Date Completed



DRAFT

## IAP / Interview Worksheet

Inmate: [REDACTED]

CDCR #: [REDACTED]

CDCR 1824 Log #: 522089

**Step 3: DECISION REGARDING WHETHER AN INTERIM ACCOMMODATION IS NECESSARY** (See Note below)☐ An Interim Accommodation **IS NOT required.**Reason: \_\_\_\_\_  
\_\_\_\_\_☐ An Interim Accommodation **IS required.**Reason: \_\_\_\_\_  
\_\_\_\_\_

Accommodation(s) provided:

Date provided:

_____	____/____/____
_____	____/____/____
_____	____/____/____

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[REDACTED]

AGPA

02 / 21 / 24

Person Completing Step 3

Title

Signature

Date Completed

Note: When information is unable to prove or disprove a claim, consider an interim accommodation as a precautionary measure.

**IAP processing instructions for the Appeals Coordinator**

- Step 1 must always be completed prior to the initial RAP.
- Step 2 should be completed whenever the inmate's request is unclear, or when additional input from the inmate and/or staff will help the RAP better understand the request.
- If Step 1 is "Yes/Unsure," proceed to Steps 2 and/or 3. The interviews conducted in Step 2 will help with the decision in Step 3. Step 3 documents the decision. When the IAC is not able to complete steps 2 & 3 prior to the RAP (e.g., the request was received the day before the RAP) steps 2 and 3 may be completed during the RAP or shortly thereafter. Under no circumstances shall a decision regarding the need for an IAP exceed 5 working days.
- Consult with the ADA Coordinator when unsure which box to check in Step 1.
- Maintain ongoing communication with the ADA Coordinator regarding the interim accommodation process.

**Step 2 Interviewer Instructions**

- Your task is to obtain additional information that will assist the Reasonable Accommodation Panel (RAP) better understand issues raised by an inmate on a CDCR 1824, Reasonable Accommodation Request Form.
- Take a moment to read the CDCR 1824 and then review the information being requested in Step 2. If you need clarification, contact the Appeals Office or the ADA Coordinator.
- Interview the inmate who filed the CDCR 1824 and/or staff who may have knowledge about the inmate's request.
- Inmates often have difficulty expressing themselves in writing. Your interview notes should try to clarify what the problem is, and what the inmate wants (e.g., cane, lower bunk, shower chair, job modification, etc.).
- Reminder. Be sure to return this form to the Inmate Appeals Coordinator by the due date listed in Step 2.

Name

CHSS035C

As of: 02/20/2024



# DPP Disability/Accommodation Summary

CDC #

PID #

Tuesday February 20, 2024 02:45:07 PM

## OFFENDER/PLACEMENT

CDC#:

Name:

Facility: SATF-Facility D

Housing Area/Bed: D 004

Placement Score: 54

Custody Designation: Medium (A)

Housing Program: Sensitive Needs Yard

Housing Restrictions: Ground Floor-Limited Stairs

Lower/Bottom Bunk Only

Physical Limitations to Lifting Restriction- Unable to Lift more than

Job/Other: 19 Pounds

No Rooftop Work

Permanent - 12/31/9999

## DISABILITY ASSISTANCE

Current DDP Status: NCF

DDP Adaptive None

Support Needs:

Current DDP Status Date: 12/23/2003

DPP Codes: DLT, DNH

DPP Determination Date: 11/14/2018

Current MH LOC: GP

Current MH LOC Date: 09/26/2023

SLI Required: No

Interview Date: 09/11/2017

Primary Method(s) - Hearing: Hearing Aids

Alternate Method - Hearing: Need Staff to Speak Loudly and Clearly

Non-Formulary Inmate Interviewed on 9/11/17 by CCI

Accommodations/Comments:

Additional Alternate: American Sign Language.

TimeStamp: 11 September 2017 16:17:07 ---

User:

Learning Disability:

Initial Reading Level: 05.0

Initial Reading Level Date: 03/26/2021

Durable Medical Equipment: Hearing Aid

Non-Invasive Airway Assistive Devices - C-Pap

Machine

Electrical Access

Eyeglass Frames

Foot Orthoses

Hearing / Mobility Impaired Disability Vest

Incontinence Supplies

Other (Include in Comments)

Partial Lower Denture

Therapeutic Shoes/Orthotics

Languages Spoken:

## IMPORTANT DATES

Date Received: 03/14/2017

Last Returned Date:

Release Date: 03/07/2026

## WORK/VOCATION/PIA

Privilege Group: A

Work Group: A1

AM Job Start Date: 11/16/2023

# Exhibit 19



**REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE**

RAP Meeting Date: 3/20/2024

Date IAC Received 1824: 3/18/2024

1824 Log Number: 534889

Inmate's Name: [REDACTED]

CDCR #: [REDACTED]

Housing: C8-[REDACTED]

**RAP Staff Present:** ADA Coordinator N. Scaife, Chief Medical Executive G. Ugwueze, Psychologist Dr. [REDACTED] Health Care Grievance Representative [REDACTED] Custody Appeals Representative [REDACTED] Associate Governmental Program Analyst [REDACTED] Registered Nurse [REDACTED] Staff Services Analyst [REDACTED] Staff Services Analyst [REDACTED] Assistant Principal (A) [REDACTED]

**Summary of Inmate's 1824 Request:** Inmate requests CART and an iPhone/iPad with captioning; Inmate reports it is hard to breathe with a C-PAP while the heater is on.

**Interim Accommodation:**

☒ No interim accommodation required: You were issued a Personal Sound Amplification Device (PSAD) on 3/21/2024. Batteries may be exchanged on a one for one basis by contacting your Facility Field Training Sergeant (FTS).

**RAP RESPONSE:**

**RAP is able to render a final decision on the following:** Inmate requests CART and an iPhone/iPad with captioning; Inmate reports it is hard to breathe with a C-PAP while the heater is on.

**Response:** On 3/20/2024, the RAP met and discussed your 1824, Reasonable Accommodation Request.

You were issued a Personal Sound Amplification Device (PSAD) on 3/21/2024. Batteries may be exchanged on a one for one basis by contacting your Facility Field Training Sergeant (FTS).

Use of cart is intended for hearing impaired individuals who utilize written notes for Effective Communication (EC). Issuance of iPhone/iPad is intended for inmates with a profound hearing loss who utilize written notes for Effective Communication (EC). A review of SOMS indicates you are designated DNH with a primary EC of hearing aids and alternate of need staff to speak loudly and clearly. You are currently accommodated with hearing aids and have been provided a pocket talker as an additional means of achieving EC.

Heating and cooling units have a scheduled that has not taken place yet. You are encouraged to report any breathing issued to custody staff immediately so medical attention can be provided.

You are encouraged to utilize the appropriate avenues to address requests or concerns. If you disagree with this determination, you may submit a CDCR 602-2 and your concerns will be addressed through the Inmate Appeal Process.

**Direction if dissatisfied:** If you disagree with this decision and want to file an appeal/grievance, be sure to attach a copy of this response along with your CDCR 1824 as supporting documents.

N. Scaife

ADA Coordinator/Designee

Signature

Date sent to inmate:

APR 10 2024



INSTITUTION (Staff Use Only) <i>5045</i>	LOG NUMBER (Staff Use Only) <i>534889</i>	DATE RECEIVED BY STAFF: CSATF OFFICE MAR 18 2024 OF GRIEVANCES
*****TALK TO STAFF IF YOU HAVE AN EMERGENCY***** <b>DO NOT</b> use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDC 7362 or a CDCR 602-HC		

INMATE'S NAME (Print) [REDACTED]	CDCR NUMBER [REDACTED]	ASSIGNMENT <i>B</i>	HOUSING <i>C-8</i>
-------------------------------------	---------------------------	------------------------	-----------------------

INSTRUCTIONS:

- You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability.
- You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service or activity. You may also use this form to submit an allegation of disability-based discrimination.
- Submit this form to the Custody Appeals Office.
- The 1824 process is intended for an individual's accommodation request. Each individual's request requires a case-by-case review.
- The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response.
- If you have received an 1824 decision that you disagree with, you may submit an appeal (CDCR 602, or CDCR 602-HC if you are disagreeing with a medical diagnosis/treatment decision).

WHAT CAN'T YOU DO / WHAT IS THE PROBLEM?  
*Well When I go At Medical Appointments Committee, Court, Mental Group ect... I have problems to. As it Ben Brought to the Attention that They Have Some Special Tablets or*

WHY CAN'T YOU DO IT?  
*Something that dose A Close Captive, Letting For My Appointments And Groups Please I Am SICK*

WHAT DO YOU NEED?  
*And I would like to Be Accommodated with the back up, And Can you please put my back order to get Heart Iron, etc READ with 16 day And the Date as the time it was is Really causing problems with my treatment (Use the back of this form if more space is needed)*

DO YOU HAVE DOCUMENTS THAT DESCRIBE YOUR DISABILITY? Yes ☐ No ☐ Not Sure ☐

List and attach documents, if available:

\_\_\_\_\_

\_\_\_\_\_

I understand that *[REDACTED]* and my failure to cooperate may cause this request to be disapproved.

*3-17-24*  
DATE SIGNED

Assistance in completing this form was provided by:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Last Name First Name Signature



**Interim Accommodation Procedure (IAP) / Interview Worksheet**

Upon receipt of a CDCR 1824, the Institution Appeals Coordinator (IAC) shall complete Step 1 below within 1 working day. Step 2 should be completed whenever the inmate's request is unclear or when additional input from the inmate and/or staff will help the RAP better understand the request.

Inmate: [REDACTED] CDCR #: [REDACTED] CDCR 1824 Log #: 534889

**STEP 1 INTERIM ACCOMMODATION ASSESSMENT**

Date CDCR 1824 received by IAC: 03 / 18 / 24

Does the inmate raise issues on the CDCR 1824 that may cause the inmate injury or other serious harm while it is being processed? **Base your assessment solely on the inmate's claim, assuming the claim is true.**

☐ **Yes / Unsure** (Complete Steps 2 &/or 3)

☒ **No** (None of the issues below are present) [Note: IAC may still obtain information for RAP by completing Step 2]

Issues that may cause the inmate injury or other serious harm include, but are not limited to:

- Falling or the potential for falling.
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- Workplace safety concerns.
- Inability to perform essential manual tasks (e.g., access dining hall, carry food tray, shower, use toilet).
- Maintenance, repair, or replacement of health care equipment.
- Cannot safely navigate stairs.
- Seizure disorder and is assigned an upper bunk.
- Hearing or vision claims that may jeopardize safety.
- Safety concerns.

[REDACTED]  
Person Completing Step 1

AGPA

Title

03 / 18 / 24

Date Completed

**STEP 2 CDCR 1824 INTERVIEWS**

Note: Be sure to complete Step 3 when Step 1 was "Yes/Unsure"

Date assigned: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Due back to IAC: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Returned to IAC: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Assigned to: \_\_\_\_\_ Title: \_\_\_\_\_

Information needed: \_\_\_\_\_

Note 1: Attach a DECS printout listing inmate's current status (including DPP codes, DDP codes, TABE score, etc.)

Note 2: IAC and/or RAP may assign to self and obtain information either telephonically or in person.

Inmate Interview Date/Time: \_\_\_\_\_ Location: \_\_\_\_\_

Interviewer notes: \_\_\_\_\_

Staff Interviewed: [REDACTED] Title: PIS Interview date: 03 / 21 / 24

Interviewer Notes: I/M was issued a pocket talker

Staff Interviewed: \_\_\_\_\_ Title: \_\_\_\_\_ Interview date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Interviewer Notes: USE OF CART IS INTENDED FOR HEARING IMPAIRED INDIVIDUALS WHO UTILIZE WRITTEN NOTES FOR EC. ISSUANCE OF IPHONE/IPAD IS INTENDED FOR INDIVIDUALS WITH A PROFOUND HEARING LOSS WHO UTILIZE WRITTEN NOTES. A REVIEW OF SOMS INDICATES I/M IS DESIGNATED DNH WITH PRIMARY EC OF HEARING AIDS AND ALTERNATE OF NEED STAFF TO

Notes: SPEAK LOUDLY AND CLEARLY. I/M IS CURRENTLY ACCOMMODATED WITH HEARING AIDS. I/M MAY BE OFFERED A POCKET TALKER. HEATING/COOLING UNITS HAVE A SCHEDULED CONVERSION THAT HAS NOT TAKEN PLACE YET. I/M IS ENCOURAGED TO REPORT BREATHING ISSUES TO CUSTODY STAFF IMMEDIATELY SO MEDICAL ATTENTION CAN BE PROVIDED.

Title

Signature

Date Completed



## IAP / Interview Worksheet

Inmate: [REDACTED]

CDCR #: [REDACTED]

CDCR 1824 Log #: 534889

**Step 3: DECISION REGARDING WHETHER AN INTERIM ACCOMMODATION IS NECESSARY** (See Note below)☐ An Interim Accommodation **IS NOT required**.

Reason: \_\_\_\_\_

☐ An Interim Accommodation **IS required**.

Reason: \_\_\_\_\_

Accommodation(s) provided: \_\_\_\_\_

Date provided: \_\_\_\_\_

_____	____/____/____
_____	____/____/____
_____	____/____/____

Comments: \_\_\_\_\_

[REDACTED] Person Completing Step 3

AGPA

Title

Signature

03 / 19 / 24

Date Completed

Note: When information is unable to prove or disprove a claim, consider an interim accommodation as a precautionary measure.

**IAP processing instructions for the Appeals Coordinator**

- Step 1 must always be completed prior to the initial RAP.
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- Inmates often have difficulty expressing themselves in writing. Your interview notes should try to clarify what the problem is, and what the inmate wants (e.g., cane, lower bunk, shower chair, job modification, etc.).
- Reminder. Be sure to return this form to the Inmate Appeals Coordinator by the due date listed in Step 2.

Name: [REDACTED]

CDC #: [REDACTED] PID #: [REDACTED]

CHSS035C **DPP Disability/Accommodation Summary** Monday March 18, 2024 11:42:49 AM

As of: 03/18/2024 ➡

**OFFENDER/PLACEMENT**

CDC#: [REDACTED]  
 Name: [REDACTED]  
 Facility: SATF-Facility C  
 Housing C 008 [REDACTED]  
 Area/Bed:  
 Placement 54  
 Score:  
 Custody Medium (A)  
 Designation:  
 Housing Non-Designated Program Facility  
 Program:  
 Housing Ground Floor-Limited Stairs  
 Restrictions: Lower/Bottom Bunk Only  
 Physical Lifting Restriction- Unable to Lift more than 19  
 Limitations to Pounds  
 Job/Other: No Rooftop Work  
 Permanent - 12/31/9999

**DISABILITY ASSISTANCE**

Current DDP Status: NCF  
 DDP Adaptive None  
 Support Needs:  
 Current DDP Status Date: 12/23/2003  
 DPP Codes: DLT, DNH  
 DPP Determination Date: 11/14/2018  
 Current MH LOC: GP  
 Current MH LOC Date: 09/26/2023  
 SLI Required: No  
 Interview Date: 09/11/2017  
 Primary Method(s) - Hearing: Hearing Aids  
 Alternate Method - Hearing: Need Staff to Speak  
 Loudly and Clearly  
 Non-Formulary Inmate interviewed on  
 Accommodations/Comments: 9/11/17 by CCI [REDACTED]  
 [REDACTED]  
 Additional  
 Alternate: American Sign  
 Language.

TimeStamp: 11  
 September 2017

16:17:07 --- User: [REDACTED]

Learning Disability:  
 Initial Reading Level: 05.0  
 Initial Reading Level Date: 03/26/2021  
 Durable Medical Equipment: Hearing Aid  
 Non-invasive Airway  
 Assistive Devices - C-Pap  
 Machine  
 Electrical Access  
 Eyeglass Frames  
 Foot Orthoses  
 Hearing / Mobility  
 Impaired Disability Vest  
 Incontinence Supplies  
 Other (Include in  
 Comments)  
 Partial Lower Denture  
 Therapeutic  
 Shoes/Orthotics

Languages Spoken:

**IMPORTANT DATES**

Date Received: 03/14/2017  
 Last Returned Date:  
 Release Date: 03/07/2026  
 Release Type: Earliest Possible Release Date

**WORK/VOCATION/PIA**

Privilege Group: A  
 Work Group: A1  
 AM Job Start Date:  
 Status:  
 Position #:  
 Position Title:  
 Regular Days On: